

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA,
AMENDING CHAPTER 9.04 OF THE RIVERSIDE MUNICIPAL CODE BY
ADDING A NEW SECTION 9.04.700.

The City Council of the City of Riverside does ordain as follows:

Section 1: Chapter 9.04 – Offenses, Table of Contents is hereby amended as follows:

Chapter 9.04 – OFFENSES

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9.04.600 Camping on public sidewalks, streets, and/or other public property

9.04.700 Loud or unruly gatherings

Section 2: Chapter 9.04 is hereby amended by adding a new section 9.04.700 as follows:

Section 9.04.700 Purpose and authority. The City, pursuant to the police powers delegated to it by the Constitution of the State of California, has the authority to enact laws which promote the public health, safety and general welfare of its residents. The occurrence of loud or unruly gatherings on private property and/or City sidewalks is a threat to the quiet enjoyment of property and to public health, safety and welfare due to excessive noise, traffic, obstruction of streets and sidewalks, service of alcohol to minors, public intoxication, fights, disturbances of the peace, vandalism and litter. At times, the Police Department and other City personnel are called upon to respond, sometimes on multiple occasions, to loud or unruly gatherings. These gatherings are a burden on scarce City resources and can result in delayed responses to emergency calls and thereby reduce the public safety protection to the rest of the City. To mitigate the negative impacts of loud or unruly gatherings, private property owners and persons responsible for these gatherings should be held accountable through the issuance of administrative citation and other penalties.

Section 9.04.710 Loud or Unruly Gathering. “Loud or Unruly Gathering” means a gathering of persons on any property whether residential, commercial or industrial (hereinafter “Property”), or any public right of way for a social occasion or other activity upon which Loud or Unruly Conduct occurs and results in a public nuisance or a threat to the public health, safety, welfare,

1 or the comfortable enjoyment of life and property.

2 Section 9.04. 720 Loud or Unruly Conduct. "Loud or Unruly Conduct" includes, without
3 limitation, any of the following conduct:

- 4 1. Excessive or loud noise;
- 5 2. Excessive traffic;
- 6 3. Obstruction of a public street or public right of way, including a sidewalk;
- 7 4. Public intoxication or drinking in public;
- 8 5. The service of alcoholic beverages to minors;
- 9 6. Possession and/or consumption of alcohol by minors;
- 10 7. Assault, battery, fights, domestic violence or other disturbances of the peace;
- 11 8. The sale or service of alcoholic beverages without a required State license;
- 12 9. Vandalism or destruction of property;
- 13 10. Litter;
- 14 11. Urinating or defecating in public; or
- 15 12. Trespassing.

16 Loud or Unruly Conduct does not include, unless it conflicts with any of the above, any activity that
17 is:

- 18 1. Protected by the California Constitution;
- 19 2. Protected by the United States Constitution; or
- 20 3. Regulated by the California Alcoholic Beverage Control Act.

21 Section 9.04.730 Responsible Party. "Responsible Party" means:

- 22 1. Any person who owns, rents, leases or otherwise is in charge of the Property where a
23 Loud or Unruly Gathering occurs;

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- 25 2. Any person who organizes or sponsors a Loud or Unruly Gathering at a Property or on
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any public right of way;

3. Any person who is making or continuing, or causing to be made or continued a Loud or Unruly Gathering; or

4. Any person who is making or continuing, or causing to be made or continued Loud or Unruly Conduct.

Section 9.04.740 Loud or Unruly Gatherings Prohibited.

A. Loud or Unruly Gatherings are prohibited and shall constitute a public nuisance. The Responsible Party shall be subject to fines and/or penalties under this Chapter.

B. The City may abate a Loud or Unruly Gathering by all available means, including, but not limited to, an order of a peace officer requiring persons at the Loud or Unruly Gathering to leave the Property or the public right of way, the issuance of a Citation, and/or the arrest of any person committing a criminal violation under this Code or any other applicable State or local law.

C. Nothing in this Chapter shall be construed to impose liability on a Responsible Party at a Property for the conduct of persons who are present without the express or implied consent of the Responsible Party as long as they have taken steps reasonably necessary to exclude such uninvited persons from the Property, including a Responsible Party who is actively attempting to evict a tenant from the Property.

D. Where an invited guest at a Property engages in conduct which the Responsible Party could not reasonably foresee and the conduct is an isolated instance of an invited guest at the Property, or the Responsible Party is unable to reasonably control without the intervention of a peace officer, the unlawful conduct of the individual invited guest at the Property shall not be attributable to the Responsible Party for the purpose of determining whether the event constitutes a Loud or Unruly Gathering.

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E. Unless otherwise permitted in this Code, it shall be unlawful to conduct or hold any party, dance or other social gathering at which live or recorded music is provided, which is open to

1 the general public and: (1) for which admission is charged, or (2) for which brochures, posters, or
2 handbills are posted or distributed in any way or any other type of advertising is published or broadcast,
3 or (3) for which a charge is made for refreshments. This section shall not apply to functions organized
4 by an organization qualified as tax exempt under 26 USC Section 501 or a Political Action Committee
5 or Campaign Committee as defined in State or federal law for a charitable, religious or political
6 purpose.

7 Section 9.04.750 Notice of Loud or Unruly Gatherings at a Property.

8 **A.** The Officer responding to a Loud or Unruly Gathering at a Property may post or attach,
9 on the front entrance of the Property at which the Loud or Unruly Gathering occurs, a notice meeting
10 that meets the following requirements:

11 **1.** The Notice shall state, at a minimum:

- 12 a. The name and agency of the Officer who responded to the Loud or Unruly
13 Gathering;
14 b. The address of the Property and the date of the Loud or Unruly Gathering along
15 with a description of the Loud or Unruly Conduct observed; and
16 c. The Loud or Unruly Gatherings may result in the imposition of fines and/or
17 other penalties against any Responsible Party.
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19 **2.** The Notice shall be a minimum of 8 1/2" x 11" in size, have black letters on contrasting
20 background white or colored paper and be made of durable, laminated or other weather
21 resistant material.

22 **B.** It shall be unlawful for any person to alter, tamper or deface a posted notice described
23 Section 9.04.750(A) or remove it prior to 30 days from the date of posting.

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25 **C.** If a posted notice is altered, tampered with, defaced or removed prior to 30 days from
26 the date of posting, the notice shall be replaced and a new 30-day posting period shall commence on
27 the date of replacement.
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1 **D.** A copy of the Notice pursuant to Section 9.04.750(A) shall be served on the
2 Responsible Party by personal service or by depositing in the mail for delivery by the United States
3 Postal Service, in a sealed envelope, postage prepaid, addressed to the Responsible Party at the
4 Property and/or the address shown on Riverside County's last equalized property tax assessment roll.

5 Section 9.04.760 Citations.

6 **A.** A Responsible Party not present during the Loud or Unruly Gathering may be issued a
7 Citation for any subsequent violation of Section 9.04.740 after personal service of notice in Section
8 9.04.750(D) or if the notice is only mailed, ten (10) calendar days after the mailing of the notice to the
9 Responsible Party pursuant to Section 9.04.750(D). The Citation to the Responsible Party not present
10 during the Loud or Unruly Gathering may be issued by personal service or by depositing in the mail
11 for delivery by the United States Postal Service, in a sealed envelope, postage prepaid, addressed to
12 the Responsible Party at the Property and/or the address shown on Riverside County's last equalized
13 property tax assessment roll.

14 **B.** An Officer may issue a Citation to the Responsible Party for a violation of Section
15 9.04.740 or Section 9.04.750(B).

16 **C.** For a violation of Section 9.04.740 occurring on a public right of way, an Officer may,
17 along with other remedies under this Code, issue a Citation to the Responsible Party by personal
18 service of the Citation on the Responsible Party.

19 Section 9.04.770 Fines and Penalties.

20 **A.** A Responsible Party issued a Citation pursuant to Section 9.04.760 shall be subject to
21 the fines as set forth in Chapter 1.17 of this Code.

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23 **B.** A violation occurring after a period of 12 consecutive months of no violations shall be
24 considered a first violation.

25 **C.** A Responsible Party shall be subject to these escalating administrative fines for
26 subsequent Loud or Unruly Gatherings even if at different Properties or public rights of way associated
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1 with the Responsible Party.

2 D. Any person in violation of 9.04.750(B) may be issued a Citation subject to an
3 administrative fine as set forth in Chapter 1.17 of this Code.

4 E. The civil fines and criminal penalties imposed in this Chapter shall be in addition to
5 any other fines and/or penalties imposed for violations of local, State and/or Federal law during a Loud
6 or Unruly Gathering.

7 Section 9.04.780 Administration and Other Remedies.

8 A. Unless otherwise specified herein, all Citations issued for violations of this Chapter
9 shall be submitted to the provisions set forth in Chapter 1.17 of this Code, including but not limited
10 to, the administrative hearing and appeal process and the City's authority to use any civil remedy
11 available to collect any unpaid administrative fines.

12 B. Any violation of Section 9.04.740 or 9.04.750(B) may be prosecuted as a misdemeanor
13 or infraction, chargeable at the City Attorney's discretion.

14 C. If any part or provision of these Sections, or the application thereof to any person or
15 circumstance, is held invalid, the remainder of the Sections, including the application of that part or
16 provision to other persons or circumstances, shall not be affected thereby and shall continue in full
17 force and effect. To this end, the provisions of these Sections are severable.

18 Section 3: The City Council has reviewed the matter and, based upon the facts and
19 information contained in the staff reports, administrative record, and written and oral testimony,
20 hereby finds that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2), 15060(c)(3)
21 and/or 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter
22 3, in that it will not result in a direct or reasonably foreseeable indirect physical change in the
23 environment nor have a significant impact on the environment.

24 Section 4: The City Clerk shall certify to the adoption of this ordinance and cause
25 publication once in a newspaper of general circulation in accordance with Section 414 of the Charter
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1 of the City of Riverside. This ordinance shall become effective on the 30th day after the date of its
2 adoption.

3 ADOPTED by the City Council this _____ day of _____, 2019.

4
5 _____
6 Mayor of the City of Riverside

7 Attest:

8 _____
9 City Clerk of the City of Riverside

10 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the
11 foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the
12 _____ day of _____, 2019, and that thereafter the said ordinance was duly and regularly
13 adopted at a meeting of the City Council on the _____ day of _____, 2019, by the
14 following vote, to wit:

15 Ayes:

16 Noes:

17 Absent:

18 Abstain:

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20 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
21 City of Riverside, California, this _____ day of _____, 2019.

22 _____
23 City Clerk of the City of Riverside

24 CA 18-1804; 07/11/19